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December 30, 2003

Attorney Docket No.: 06975-467001

## Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Presented for filing is a new patent application claiming priority from a provisional patent application of:

Applicant: PATRICK BLATTNER AND JOHN ROBINSON

Title: USING AVATARS TO COMMUNICATE CONTEXT OUT-OF-BAND

Enclosed are the following papers, including those required to receive a filing date under 37 CFR §1.53(b):

	<u>Pages</u>
Cover Sheet	1
Specification	54
Claims	9
Abstract	1
Declaration	To be Filed at a Later Date
Drawings	19

### Enclosures:

- Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) - 1 page.
- Postcard.

Under 35 USC §119(e)(1), this application claims the benefit of prior U.S. provisional applications 60/512,852, filed October 22, 2003 and 60/450,663, filed March 3, 2003, both of which are incorporated by reference.

Basic filing fee	\$770
Total claims in excess of 20 times \$18	\$936
Independent claims in excess of 3 times \$86	\$86
Fee for multiple dependent claims	\$0
Total filing fee:	\$1792

Under 37 CFR §1.53(f), no filing fee is being paid at this time.

16638 U.S. PTO  
123003

Frederick P. Fish  
1855-1930

W.K. Richardson  
1859-1951



BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

16018 U.S. PTO  
10/747652  
123003

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Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please direct all correspondence to the following:

26171

PTO Customer Number

Respectfully submitted,

*Barbara A Benoit*

Barbara A. Benoit  
Reg. No. 54,777  
Enclosures  
BVB/aum  
40195886.doc

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Patrick Blattner et al.
Title	Using Avatars to Communicate Context Out-of-Band
Atty Docket Number	06975-467001

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12-30-2003  
Date

Barbara A Benoit Reg No 54,777  
Signature

Barbara A. Benoit  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**